

REMARKS

In the Office Action¹, the Examiner rejected claims 1-25 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent 5,214,579 to Wolfberg et al. ("*Wolfberg*"), in view of U.S. Patent No. 6,615,240 to Sullivan et al. ("*Sullivan*"), in view of U.S. Patent No. 6,012,043 to Albright et al. ("*Albright*"), in view of U.S. Patent No. 6,069,629 to Farry et al. ("*Farry*"), and further in view of Official Notice.

I. Rejection of claims 1-25 under 35 U.S.C. § 103

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original). In this application, a *prima facie* case of obviousness has not been established because the Examiner has not clearly articulated a reason why one of ordinary skill would find the claimed combination obvious in view of the cited references.

Claim 1 recites a method including, for example:

. . . .
providing a risk modeling component for allowing the user to control the level of risk, by
allowing the user to select one or more risk events from a list of risk events;
based on actuarial data from at least one external database, providing estimates of a probability and effect of an occurrence of the selected one or more risk events; and
for each individual risk event from the selected one or more risk events, allowing the user to accept the estimate associated with the risk event, or to reject the estimates and substitute in a different estimate
. . .

The Examiner correctly states that *Wofberg* and *Sullivan* do not teach or suggest the claimed “risk modeling component” (Office Action at page 4). However, the Examiner cites col. 8, lines 55-58 and claim 42 of *Albright* to allegedly disclose this element (Office Action at pages 4-5). This is not correct.

According to *Albright*, a customer may provide information related to “investment risk profile, i.e., the customer’s ability to handle investment risk and the customer’s willingness to take financial risk” (col. 8, lines 55-58). This passage merely discloses a customer’s investment risk profile. However, claim 1 requires a combination of elements for allowing a user to control the level of risk including, for example, 1) “allowing the user to select one or more risk events from a list of risk events,” 2) “based on actuarial data from at least one external database, providing estimates of a

probability and effect of an occurrence of the selected one or more risk events,” and 3) “for each individual risk event from the selected one or more risk events, allowing the user to accept the estimate associated with the risk event, or to reject the estimates and substitute in a different estimate.”

While the customer in *Albright* may provide a risk profile, there is no teaching or suggestion that this profile is “selected.” In addition, *Albright* is silent regarding “providing estimates of a probability and effect of an occurrence of the selected one or more risk events.” As previously stated, *Albright* merely discloses providing a customer’s investment risk profile. Moreover, there is no teaching or suggestion in *Albright* of the claimed “estimate associated with the risk event.” Accordingly, *Albright* also fails to teach or suggest the claimed “for each individual risk event from the selected one or more risk events, allowing the user to accept the estimate associated with the risk event, or to reject the estimates and substitute in a different estimate,” as further recited in claim 1.

Farry does not cure the deficiencies of *Wofberg*, *Sullivan*, and *Albright*. *Farry* discloses a “navigation scheme for a user interface” (col. 1, lines 65-66). However, *Farry* does not teach or suggest the claimed “providing a risk modeling component for allowing the user to control the level of risk, by allowing the user to select one or more risk events from a list of risk events; based on actuarial data from at least one external database, providing estimates of a probability and effect of an occurrence of the selected one or more risk events; and for each individual risk event from the selected one or more risk events, allowing the user to accept the estimate associated with the

risk event, or to reject the estimates and substitute in a different estimate,” as recited in claim 1.

The Official Notice relied upon by the Examiner does not cure the deficiencies of *Wofberg, Sullivan, Albright, and Farry*. The Examiner takes Official Notice of “using life coaching as a means of communication in the computer art” (Office Action at page 5). Even assuming this is correct, which Applicants do not concede, the Official Notice relied upon by the Examiner does not teach or suggest the claimed “providing a risk modeling component for allowing the user to control the level of risk, by allowing the user to select one or more risk events from a list of risk events; based on actuarial data from at least one external database, providing estimates of a probability and effect of an occurrence of the selected one or more risk events; and for each individual risk event from the selected one or more risk events, allowing the user to accept the estimate associated with the risk event, or to reject the estimates and substitute in a different estimate,” as recited in claim 1.

Claim 1 is thus allowable. Claims 2-8 depend from claim 1 and are thus also allowable for at least the same reasons as claim 1.

Independent claims 9 and 18, though of different scope from claim 1, recite elements similar to those set forth above with respect to claim 1. Claims 9 and 18 are therefore allowable for at least the reasons presented above. Dependent claims 10-17 and 19-25 are also allowable at least due to their dependence from claims 9 and 18, respectively.

II. Conclusion

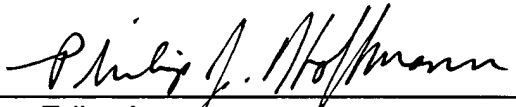
In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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